

## REGION III MANUAL

POOR ORIGINAL

REGIONAL PROCEDURE 0985

54

ITEMS OF CONCERNScope

The purpose of this paper is to document the Region III procedure by which employees can identify items of concern regarding significant safety or inspection (not administrative) matters, and can be assured that their views are elevated to top regional management for consideration.

It is the right and duty of every member of the Regional Staff to make known to their supervisor promptly any situation which he or she considers unacceptable from the standpoint of protection of the public health and safety. In doing so, personnel are encouraged to make known their professional judgment, with the assurance of no recrimination or retribution if their judgment on an issue differs from that of their management. When the normal channels of oral communication fail to resolve such issues of concern, the procedure set forth in this regional procedure may be followed. Any discrimination against an employee for use of this procedure, or coercion to not use this procedure, will result in strict disciplinary action.

Procedures

1. The procedures set forth below are written for matters of concern identified at the inspector level. The procedure, however, is applicable to, and may be initiated at, any level within the management chain.
2. Each Branch shall establish a system for tracking items of concern identified by this procedure. This system should assure that the time limits set forth in this procedure will be adhered to.
3. Inspectors should discuss their views and concerns on significant matters with their Section Chief and seek resolution of differences in viewpoint at that level. When there is a failure to resolve a difference through normal channels, the employee may use this procedure to assure review of the matter by higher levels of management. If the matter of concern relates to an enforcement or licensing action, such action will not be taken until the matter has been completely reviewed following this procedure:
  - a. The inspector should write a memorandum to the Section Chief, which clearly identifies the major issues, the recommended course of action and the basis for the recommendation. At the same time the employee should initiate Form IOC-1 (attached) by completing Item 1. It is important that Item I on Form IOC-1 should specify any currently pending action which is relevant to the item of concern. The initiated form should be attached to the memorandum. A copy of the form should be sent to the Regional Director.

8001210513 H

**POOR ORIGINAL**

- 2 -

- b. Upon receipt of the memorandum, the Section Chief shall prepare a reply in writing within five in-office working days. The response shall set forth whether the supervisor agrees or disagrees with the recommendation, or has an alternate solution. If he disagrees or has an alternate proposal, the basis for this determination must be included in the response. Item II, Form IOC-1, must be appropriately checked and the form returned to the inspector with his memorandum and the response to it.
  - c. The inspector, within five in-office working days shall determine whether he considers the matter resolved or unresolved, and shall appropriately check, sign and date Item III on Form IOC-1. The package containing Form IOC-1 and the two memoranda will be sent to the Branch Chief.
  - d. If the matter is still unresolved, the Branch Chief shall within five in-office working days, prepare a written response to the inspector with his views as to whether he agrees, disagrees or proposes an alternate solution. If he disagrees, or has an alternate proposal, rationale for his views shall be included. He should also sign, date and check Item IV on Form IOC-1.
  - e. The inspector must then repeat the procedure in Step c. above, and complete Item V on Form IOC-1.
  - f. If unresolved, the matter is elevated to the Regional Director. Within five in-office working days the Regional Director shall respond in writing as to whether he agrees, disagrees or has an alternate solution. He shall sign, date and check Item VI on Form IOC-1.
  - g. The inspector shall repeat Step c. of the procedure and complete Item VII of Form IOC-1.
  - h. If the inspector considers the matter still to be unresolved and resolution within the Regional Office is not possible, the matter will be presented to IE by the Regional Director. The item will be tracked through existing IE procedures, normally on the AITS.
4. At any point in the above proceedings where the matter is resolved, Form IOC-1 with all accompanying memoranda shall be filed in the Regional central files, and a copy of the "closed" Form IOC-1 provided to the Regional Director.
  5. The time frames above are established to assure that issues keep moving toward a decision point. It is recognized that five days may not be sufficient to fully resolve a matter (e.g., it may be necessary to obtain additional information from the licensee or from another NRC Office). In such cases, the memo written within the five-day period should clearly describe the action which is underway.

Attachment: Form IOC-1

**POOR ORIGINAL** Form IOC-1

REGION III

Branch \_\_\_\_\_ Section \_\_\_\_\_

I. Inspector \_\_\_\_\_ Date \_\_\_\_\_

Item: (Title and date of memo, pending action related to the item of concern)

II. Section Chief \_\_\_\_\_ Date \_\_\_\_\_

Agrees \_\_\_\_\_ Disagrees \_\_\_\_\_ Alternate Action \_\_\_\_\_

III. Inspector \_\_\_\_\_ Date \_\_\_\_\_

Resolved \_\_\_\_\_ Unresolved \_\_\_\_\_

Comments:

IV. Branch Chief \_\_\_\_\_ Date \_\_\_\_\_

Agrees \_\_\_\_\_ Disagrees \_\_\_\_\_ Alternate Action \_\_\_\_\_

V. Inspector \_\_\_\_\_ Date \_\_\_\_\_

Resolved \_\_\_\_\_ Unresolved \_\_\_\_\_

VI. Director \_\_\_\_\_ Date \_\_\_\_\_

Agrees \_\_\_\_\_ Disagrees \_\_\_\_\_ Alternate Action \_\_\_\_\_

VII. Inspector \_\_\_\_\_ Date \_\_\_\_\_

Resolved \_\_\_\_\_ Unresolved \_\_\_\_\_

If unresolved, inspector requests review by HQ: Yes \_\_\_\_\_ No \_\_\_\_\_

Comments:

cc: James G. Keppler